

## REMARKS/ARGUMENTS

Reconsideration of this application as amended is respectfully requested.

In the Office Action dated April 3, 2003, claims 1-30 were pending. Claims 1-30 were rejected under 35 U.S.C. 112, first and second paragraphs. Claims 1-30 were rejected under 35 U.S.C. 102(e) as being anticipated by See et al. (U.S. Patent No. 6,226,728). Portions of the specification and drawings were objected.

In this response, claims 1-30 have been cancelled without prejudice. Claims 31-60 have been added to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. Thus, claims 31-60 remain pending. Applicant reserves all rights with respect to the applicability of the doctrine of equivalents. Portions of the drawings and specification have been amended. No new matter has been added.

### Specification

A portion of the specification was objected to. Accordingly, a portion of the specification has been amended to overcome the objection and no new matter has been added.

The Examiner objected a portion of the specification under 35 U.S.C. 112, first paragraph by failing to provide an adequate written description of the invention. Particularly, the Examiner stated that the lookup table and the handle are not shown in Figure 1. Applicant respectfully disagrees. Applicant submits that Figure 1 is an overall system view of an embodiment of the invention. Tables within a software program are considered as lookup tables in the field of software development. Applicant submits that one with ordinary skill in the art would understand that sequence tables are one kind of lookup tables according to one embodiment.

Similarly, a handle to a table is a reference or a pointer to the memory section or unit allocated to the table, which is well known in the art. In addition, a handle within a table is shown in other Figures, such as Figures 2A and 2B, according to one embodiment. Applicant submits that one with ordinary skill in the art would understand embodiments of the invention based on the drawings and the specification.

The Examiner also objected to paragraphs 0027-0029 of pages 8-9 because of mismatched reference numbers. In view of foregoing amendments, the objection has been overcome. Applicant submits that the mismatched references are caused by clerical errors and no new matter has been added.

The Examiner also objected to paragraphs 0064-0067 of pages 21-22 because of failure to show the links among the memory units associated with the tables. Applicant respectfully disagrees. In view of Figures 5C and its associated description, one with ordinary skill in the art would understand how the memory units are linked. Particular, in paragraph 0064, according to one embodiment, the handle for the fragment is written into a pointer in an entry of its parent sequence table. The fragment may be marked within a table in a variety of ways, which is well known in the art. Applicant submits that in view of Figures 5C and its associated description, one with ordinary skill in the art would understand the embodiments described in the description. Withdrawal of the objections is respectfully submitted.

### Drawings

Figure 2A of the drawings was objected. Accordingly, Applicant has submitted a proposed new Figure 2A to overcome the objection. The proposed figure includes changes of

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field 54 of Figure 2A from "VALID" to "INVALID". The errors are caused unintentionally and no new matter has been added. The formal drawings will be submitted when the present application is allowed. Withdrawal of the objection is respectfully submitted.

Rejections Under 35 U.S.C. §112

Claims 1-30 are rejected under 35 U.S.C. 122. In view of foregoing amendments, Applicant submits that the rejections have been overcome. Withdrawal of the rejections is respectfully submitted.

Rejections Under 35 U.S.C. §102

Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by See, which has been assigned to a common assignee of the present application. The Examiner stated that the American Inventors Protection Act of 1999 (AIPA) does not apply. Applicant submits that the present application was filed after November 29, 2000 and before the issued date of See. Both See and the present application have been assigned to a common assignee. Applicant submits that the present invention as claimed and See were owned by the same person, or subject to an obligation of assignment to the same person, at the time of the claimed invention was made. Therefore, AIPA should be applied in the present application.

In view of the foregoing amendments, Applicant respectfully submits that claims 31-60 include the limitations that are not disclosed or claimed by See. In particular, independent claim 31 recites as follows:

31. A method, comprising:

- receiving a request for updating a file having a plurality of fragments stored in a memory, the request including changed data for updating a first fragment of the file;
- creating a second fragment based on the first fragment and the changed data;
- copying a first table associated with the first fragment to form a second table, the second table having a handle referencing the second fragment; and
- deleting the first fragment when the creating and copying operations are completed.

Applicant submits that See does not disclose the above limitations claimed by claim 31.

Rather, See discloses dynamic allocation of memory for storing data in a nonvolatile memory based on a plurality of thresholds (see, Abstract), instead of a method for updating a file using fragmentation without replacing the whole file. In contrast, the present invention as claimed updates a fragment of a file corresponding to the changes made without updating the whole file. Therefore, for reasons discussed above, claim 31 is not anticipated by See.

Similarly, independent claims 41 and 51 include similar limitations claimed by claim 31.

Therefore, for reasons similar to those discussed above, independent claims 41 and 51 are not anticipated by See.

The rest of the claims depend from one of the above independent claims, thus include all of the distinct features of the respective independent claim, and therefore, for the reasons similar to those discussed above, are not anticipated by See. Withdrawal of the rejections is respectfully submitted.

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CONCLUSION

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.


Applicant hereby petitions for an extension of time to respond to the pending Office Action, and a check for the extension fee is enclosed.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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Attachments